

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

DON KING PRODUCTIONS, INC.,

Plaintiff(s)

v.

JOSE OTERO, et al.,

Defendant(s)

CIVIL NO. 04-2155 (JAG)

ORDER ADOPTING REPORT AND RECOMMENDATION

Because no objections were filed within the prescribed time period, the Court **ADOPTS** the Magistrate-Judge's Report and Recommendation (Docket No. 88) in its entirety. Therefore,

(1) the Motions to Quash summons (Docket Nos. 3, 45) are denied as **MOOT**;

(2) the following Motions for Default Judgment are hereby **GRANTED**:

Restaurante y Pescaderia Iremar, Inc. (Docket Nos. 78, 79); Waleska Esquilín (Docket No. 50); Conjugal Partnership Doe-Esquilín d/b/a Restaurant y Pescaderia Iremar, Inc. (Docket Nos. 50, 78, 79); Ireida Vázquez (Docket Nos. 78, 79); Agustín Laboy (Docket No. 53, 67); Conjugal Partnership Laboy-Doe d/b/a Colmado Laboy (Docket No. 53); Mayra Piñero (Docket No. 55); Conjugal Partnership Doe-Piñero d/b/a Daguao Liquor Store (Docket No. 55); Emely Pardo (Docket No. 56); Conjugal Partnership Doe-Pardo d/b/a Broadway Bar & Grill (Docket No. 56); Angel Díaz-Rivera (Docket No. 77); Conjugal Partnership Diaz-Doe d/b/a Broadway Bar & Grill (Docket No. 77); Ilian Ramos (Docket No. 58); Conjugal Partnership Ramos-Doe d/b/a El Nuevo Milenio Pub (Docket No. 58); Jadiel Ortíz (Docket No. 59); Conjugal Partnership Ortíz-Doe d/b/a Popeye's (Docket No. 59); Martin's BBQ, Inc. (Docket No. 65, 67); Javier Marrero (Docket No. 65, 67); Conjugal Partnership Marrero-Doe d/b/a Martin's BBQ, Inc. (Docket No. 65); Ernesto Torres (Docket No. 61); and, Conjugal Partnership Torres-Doe d/b/a Cafetería Torres (Docket No. 61);

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(3) The Entry of Default (Docket No. 75) as to defendants Luis Guillermo De-Jesús-Pérez and Conjugal Partnership De-Jesús-Doe d/b/a Marcelo's Pub is **VACATED** and, accordingly, the Motion for Default Judgment (Docket No. 63) is **DENIED**;

(4) Statutory damages are awarded for each case from the following aggregate defendants in the amount of \$10,000 in statutory damages and \$50,000 in willful statutory damages for a total of \$60,000 statutory damages. (The sum awarded totals \$480,000.)

Case: Restaurante y Pescaderia Iremar. Defendants: Restaurante y Pescaderia Iremar, Inc.; Waleska Esquilín; Conjugal Partnership Doe-Esquilín d/b/a Restaurant y Pescaderia Iremar, Inc.; Ireida Vázquez, Individually and in representation of the Conjugal Partnership between she and her husband John Doe d/b/a Restaurante y Pescaderia.

Case: Colmado Laboy. Defendants: Agustín Laboy; Conjugal Partnership Laboy-Doe d/b/a Colmado Laboy.

Case: Daguao Liquor Store. Defendants: Mayra Piñero; Conjugal Partnership Doe-Piñero d/b/a Daguao Liquor Store.

Case: Broadway Bar & Grill. Defendants: Emely Pardo; Conjugal Partnership Doe-Pardo d/b/a Broadway Bar & Grill. Angel Díaz-Rivera; Conjugal Partnership Díaz-Doe d/b/a Broadway Bar & Grill.

Case: El Nuevo Milenio Pub. Defendants: Ilian Ramos; Conjugal Partnership Ramos-Doe d/b/a El Nuevo Milenio Pub.

Case: Popeye's. Defendants: Jadiel Ortíz; Conjugal Partnership Ortíz-Doe d/b/a Popeye's.

Case: Martin's BBQ, Inc. Defendants: Martins' BBQ, Inc; Javier Marrero; Conjugal Partnership Marrero-Doe d/b/a Martin's BBQ, Inc.

Case: Cafetería Torres. Defendants: Ernesto Torres; Conjugal Partnership Torres-Doe d/b/a Cafetería Torres; and,

(5) Don King Productions, Inc. is awarded attorneys' fees totaling \$18,000.00 (\$2,250 * 8 cases) and costs totaling \$3,570.00 (\$170 * 21 defendants).

There being no just reason for delay, the Court will enter partial judgment in accordance with Fed.R.Civ.P. 54(b).

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IT IS SO ORDERED.

In San Juan, Puerto Rico, this 19th day of September 2005.

S/Jay A. Garcia-Gregory

JAY A. GARCIA-GREGORY

United States District Judge